

REMARKS

The drawings are objected to because some of the reference numerals on the left-hand side of Fig. 2 are difficult to read. Applicant has submitted herewith a replacement sheet of drawings including Fig. 2. Applicant has amended Fig. 2 to clarify the following reference numerals on the left-hand side of the figure: 217, 218, 219, 200, 255, 256. Applicant respectfully requests, therefore, that the objection to the drawings be withdrawn.

Claim 12, the only pending claim, is rejected under 35 U.S.C. § 101 as allegedly claiming the same invention as that of claim 11 of prior U.S. Patent No. 6,678,778 (“the 778 patent”). Applicant respectfully traverses the statutory double patenting rejection.

Claim 11 of the 778 patent (“patent claim 11”) recites an integrated circuit switching hub that is fabricated having multiple layers. The switching hub includes a bus that resides in a first layer. As recited in patent claim 11, “all” other elements of the switching hub reside in layers adjacent to the first layer.

Pending claim 12 differs from patent claim 11 in that pending claim 12 recites certain elements of the switching hub that reside in layers adjacent to the first layer. Specifically, pending claim 12 recites that a plurality of input/output ports, a plurality of data switches, and an arbitrator reside in layers adjacent to the first layer. Thus, pending claim 12 is broader in scope than patent claim 11 because claim 12 does not require that “all” other elements of the switching hub reside in layers adjacent to the first layer.

Because pending claim 12 and patent claim 11 differ in scope, Applicant respectfully submits that the statutory double patenting rejection is improper and should be withdrawn. Applicant respectfully requests reconsideration and withdrawal of the rejection.

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Application No.: 10/706,678
Office Action Dated: May 21, 2004

PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph R. Condo', written over a horizontal line.

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Amendments to the Drawings

The attached set of replacement drawings includes changes to Fig. 2. The sheet, which includes Fig. 2, replaces the original sheet including Fig. 2.

Attachment: Replacement Drawings Figures 1-3.